

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KYLE LEE OBEN,

Plaintiff,

Case No. 1:20-cv-1050

v.

HONORABLE PAUL L. MALONEY

UNKNOWN DELACRUZ, et al.,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants Delacruz and Calkins filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on May 12, 2021, recommending that this Court grant the motion in part and deny the motion in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 28) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (ECF No. 16) is GRANTED IN PART AND DENIED IN PART.

IT IS FURTHER ORDERED that Plaintiff's claims that Defendant Calkins denied his requests for medical treatment between September 29, 2020, and October 6, 2020, are DISMISSED for failure to exhaust administrative remedies. The motion is DENIED in all other

respects. Plaintiff's claim that Defendant Delacruz subjected him to excessive force on September 23, 2020; and Plaintiff's claims that Defendant Calkins denied his requests for medical treatment on September 23, 2020, and September 28, 2020 remain pending

Dated: June 14, 2021

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge